

**Enfield Board of Selectmen
Enfield, New Hampshire**

MINUTES of November 20, 2006

Board of Selectmen: Nancy Scovner, Chairman; Dominic Albanese

Excused: Curtis Payne, Selectman; Steve Schneider, Town Manager

Administrative Staff: Alisa D. Bonnette, Secretary; Richard Crate, Jr., Chief of Police; Ken Daniels, Director of Public Works; Kelly Butler, Highway Supervisor

Others: Martha Langill; Bill Martin; Doug Smith; Chris Monette; James & Rebecca Petryk; Dwight Marchetti; Tim Lenihan, Conservation Commission Chairman; Lloyd Hackeman; Chris Hamlin; Austin Flint; Becky Powell; Nik Palmer, MWCC president; Henry Cross; Nancy Smith; Meredith Smith; Judy McNab, MWCC; Dan Kiley; Evelyn Palmer; Karen Hambleton, Enfield Shaker Museum; Earl & Barbara Brady; and other members of the public.

BUSINESS MEETING

I. CALL TO ORDER

Mrs. Scovner called the meeting to order at 5:00 pm.

II. APPROVAL OF MINUTES

Mr. Albanese moved to approve the regular session minutes of November 6, 2006 as printed; Mrs. Scovner seconded, vote unanimous.

Mr. Albanese moved to approve the non-public session minutes of November 6, 2006 as printed; Mrs. Scovner seconded, vote unanimous.

III. COMMUNICATIONS

Master Roads Scholar ~ Mike Sousa & Kelly Butler:

Mrs. Scovner extended the Board's congratulations to Ms. Butler and Mr. Sousa for attaining Master Roads Scholar status. In addition, Bruce Prior & Kelly Butler both completed their Level 1 Public Works Academy training and are also deserving of congratulations.

Water/Sewer Report ~ 7/1/06 to 9/30/06:

Water and Sewer rates will be reviewed in January. Mr. Daniels has already begun work on it and should have a report for the Board by mid-December. Mr. Albanese noted that approximately \$20,000 would have to be withdrawn from the Water capital reserve fund and approximately \$30,000 would have to be withdrawn from the Sewer capital reserve fund to offset expenditures.

IV. BOARD REPORTS**Enfield Village Association (EVA):**

Mr. Albanese met with the EVA Board. They are changing the administrative structure of the organization with fewer committees and more involvement from the Board of Directors.

V. TOWN MANAGER'S REPORT

Due to Steve Schneider's absence this report was tabled until the next meeting.

Public Works Report:

Mr. Daniels reviewed his Public Works Report with the Board of Selectmen.

The Department is still addressing compliance issues on dams.

The Water/Sewer Departments tapped 3 new connections. They did not have the equipment to do 2 others.

The Town of Enfield is the only town that is all International Maintenance Institute Grade 1 certified. Mr. Albanese asked that the Selectmen's congratulations be extended to all.

The Public Works Report included a list of accomplishments above and beyond the daily maintenance operations of the Department. Mr. Albanese suggested providing a copy of this report to the Budget Committee in support of the Department request for additional full-time, year 'round help.

In response to an inquiry, Mr. Daniels explained that there might be gaps in a road that were not repaired or shimmed because those sections need additional work before shimming is done.

Ms. Butler reported that there are 2 new employees in the Highway Department. Robert Donnelly started in mid-July. He came from another municipality. Chris Hammond started about a month ago and came from the NH Dept. of Transportation. Winter operations have been revamped with more experienced individuals being moved to plow routes where they're needed most. Mr. Albanese asked if these new employees have integrated well and have been given a good orientation. Ms. Butler replied that they had.

Mr. Daniels reported that the Highway Department has processed a record 550 work orders so far this year. Mr. Albanese feels this information would be beneficial to the Budget Committee.

The bags have arrived for the pilot Pay-As-You-Throw program for non-residents.

The after-the-fact permit for Oak Grove repairs is still outstanding and is awaiting some down time for completion.

Mr. Daniels requested a vote of the Board to prohibit use of the Community Building handicapped ramp for skateboarding. Mrs. Scovner moved to prohibit skateboarding on the handicapped ramp at the Enfield Community Building; Mr. Albanese seconded, vote unanimous.

The Board received a copy of a memo from Ken Daniels to Steve Schneider regarding the conditions of the Stump Dump closure. Mr. Daniels met with Fred Hammond last week. They will have to go back in 16 feet before they get to decayed material. The cost is estimated at \$12,000 to grind up the material. This material will be recycled and reused for the closure. At the Stump Dump trees of 5" diameter or less can be burned, the rest need to be ground.

Mr. Daniels reported that an air quality test could be performed at Whitney Hall soon. The one-time ambient air test would cost approximately \$800. Mr. Albanese asked Mr. Daniels to talk to Steve Schneider to be sure the money is available.

VI. PUBLIC COMMENTS

Henry Cross ~ Town Facility Committee/Whitney Hall Project:

Mr. Cross expressed disappointment in the last two Town Facility Committee meetings. He felt too much time was taken discussing the stage and not enough time spent on the Town Offices and Library. He feels the Committee needs to concentrate on the Town Offices. Three years has been lost on discussion of what to do. Are there any alternative plans for the Town Offices if this fails? Regarding the stage design, there needs to be a space for people to change clothes.

Mr. Albanese replied that the Committee did not spend a lot of time discussing the Town Offices because they had already decided what approach they wanted to take. The Committee wants to discuss *all* of Whitney Hall. Mr. Albanese has a couple of ideas that can be discussed at a later meeting. While the support for the library may have been misjudged, there is no question that the Town Offices need new space and there are still issues that must be addressed with Whitney Hall. The construction plans are currently being scaled back.

Dwight Marchetti expressed concern for the Town Office staff working under the conditions they do. He recommended the Selectmen have a plan in place. He expressed concern about the potential for Workers Comp claims.

Mr. Albanese reported that a structural study is being done and the results should be available soon. If the Committee finds the Town can't afford the work, the Committee will look at other options.

Mr. Albanese reported that the Town was able to meet its goal of limiting the Town tax rate increase to 5-cents. Unfortunately the school went up \$1.87/\$1,000 valuation.

Dan Kiley ~ Parking:

Mr. Kiley parked in front of the Police Department last week and was told by an officer that if he were going to Whitney Hall he would have to park behind Whitney Hall, that the space in front of the Police Department was for Police business only. Police Chief Richard Crate replied that that is public parking; he will be sure the officers understand this.

VII. OLD BUSINESS

Four-Way Stop:

Mr. Marchetti read the Selectmen's minutes about a suggestion for a 4-way stop at the Shaker Hill Road / Main Street / High Street intersection. Mr. Marchetti suggested instead putting stop signs on Main Street and allowing through traffic on High Street and Shaker Hill Road. This alternative would eliminate the need for people to stop at the bottom of High Street, which can be difficult during inclement weather.

Chief Crate said the more support for changes at the intersection the better. While he understands Mr. Marchetti's idea, he thinks having everyone stop would make for a safer intersection. Chief Crate needs to call the State and get a 5-10 year traffic count and accident data.

Mr. Gotthardt feels the 4-way stop is a great idea. Even at midnight, with headlights on, it can still be difficult to negotiate that intersection.

Discussion ensued regarding visibility at the intersection, including the visual obstruction of the Verizon box and utility pole.

Lockehaven Drainage:

Ken Daniels spoke with Bob Warner for a quote. Mr. Daniels will meet with Ray Lobdell, a wetlands scientist, soon. Mr. Daniels needs to send Ray Lobdell's report to Concord. Mr. Daniels explained the problems that could result if the drainage area is classified as an intermittent stream.

VIII. NEW BUSINESS**Sale of Property ~ Map 7 Lot 21:**

Due to a large turnout by the public, Mrs. Scovner elected to address the sale of this property out of agenda order, discussing it immediately following approval of the minutes. Mrs. Scovner introduced the Board of Selectmen and administrative staff and laid some ground rules for discussion.

Four 4 bids were received on the property identified as Tax Map 7, Lot 21, also known as the "Lakeview" property due to its location behind the Lakeview Condominiums. The Bids were: \$2,300, \$8,110, \$10,000 (MWCC) and \$20,100 (Petryk). The property is approximately 167 acres. There were a large number of individuals who called, mailed and emailed the Board of Selectmen and the Town Offices over the previous weeks in support of the bid by the Mascoma Watershed Conservation Council (MWCC). The primary reason for this support was the desire by these individuals to see the land protected. The Petryk's also indicated their desire to protect the land.

Martha Langill of 6 Rocky Hill Way, Lakeview, recommended to the Selectmen that they not accept the lower bid submitted by MWCC. She did not feel that action would be in the best interests of Enfield or Lakeview residents. When she purchased her condo it was with the understanding that the 167 acres was open to Lakeview residents. She was dismayed when the developer neglected to turn over this parcel to the Lakeview Condominium Association; and equally dismayed to find out he neglected to pay the taxes on it. Had the condo owners been aware of the problem back in 1992 they would have corrected the problem. She assured the Board that the Petryks are interested in conservation of the property and she supports the award of the bid to Jim & Becky Petryk.

Bill Martin of 332 Shaker Boulevard read a statement regarding the high quality of Smith Pond water. The Lakeview property borders the Smith Pond Brook and Shaker aqueduct. The property is landlocked, but it is not inconceivable that access could be negotiated. Mr. Martin expressed his concern about the potential for development, particularly the possibility of development for a commercial water bottling enterprise that could deplete area wells. Mr. Martin expressed support for the MWCC bid. MWCC has shown concern for preservation of land in the past. Mr. Martin recommends the Selectmen give careful attention to the sale of this land – the waters are too valuable. He also recommended the Selectmen seek legal expertise to develop a statement to maintain the quality of water in Enfield. Mr. Martin asked the Board to give consideration to the bid by the MWCC who have shown responsible land stewardship. And he asked that the MWCC set an example for the protection of waters in Enfield and New Hampshire.

Martha Langill noted that Lakeview condo owners are as interested in keeping the water pure as anyone, as that's the water they drink daily.

Doug Smith asked, "Can the Town put covenants or restrictions on the property?" Mr. Albanese explained that yes, the Town could, but the property would have to be re-bid.

Mr. Smith noted that through the current process the Board was dependent upon verbal assurance of conservation of the property.

Mr. Albanese explained that the Town Manager did approach the manager of the condos and they weren't interested in acquiring the property. They told the Town to proceed with the sale.

Mr. Smith feels the sale of this property by the Town without restrictions would be one of the biggest blunders the Town could make.

Bob Angier, 6 Rocky Hill Way, observed that everyone is concerned about conservation. The Petryks have assured the Lakeview Board of Directors that the land would be conserved. They've done this before. Part of the conservation of the land is the water quality. The Lakeview Board of Directors is in full support of the Petryks.

Jim Petryk, 6 Rocky Hill Way, has heard a lot of concerns regarding maintaining the quality of water and nature of Enfield. This is one of the nicest places they've lived and the last thing they want to see is damage to this area. They've done this before. Mr. Petryk discussed their conservation of land in Wisconsin under a plan devised with the Wisconsin Department of Resources. The Petryks met with the MWCC, a dedicated group of people, and agrees 100% with everything the MWCC says on its website. As individuals the Petryks feel they can work faster.

Mr. Petryk went on to say that there are some artifacts on the property. He and his wife are interested in having them identified, catalogued and preserved. If the property were to be opened up to all it would be hard to protect it. The Petryks would not allow wheeled access due to erosion problems that are evident from past use by ATVs. The Lakeview wells are right along this property and they and the other condo owners would be the first affected by any degradation of the water quality. They live on a lake in Minnesota, that has milfoil, and they've seen what neglect has done. Mr. Petryk, a pilot for Northwest Airlines, has 6 years to retirement and he doesn't want this area to change. He doesn't even like the growth he's seen, though understands the necessity of it.

Mr. Petryk pointed out that the property has very limited development potential due to topography. The only real access to the property is through Lakeview condominium land. There's been talk about putting property back out to bid. This process and discussion may have brought attention with the potential for development.

The Petryks have spoken with the MWCC and are most interested in working with the Shaker Museum to get the aqueduct catalogued, marked off and maybe archaeologically explored. They want this done properly. If people have other ideas they would be happy to listen to them. There has not been an idea expressed at this meeting that they have not agreed with 100%. The MWCC has raised some money and can use that to protect other property.

Mr. Albanese asked if it was the Petryk's plan to permanently conserve the property. Mr. Petryk explained that they don't know all the programs that are available in New Hampshire, but yes, it is their plan to conserve the property.

Mr. Albanese asked if it was the Petryk's expectation to keep the land open to all citizens of Enfield. Mr. Petryk replied that in the past they have. They would not allow hunting or wheeled vehicles, and they can't allow access across Lakeview Condo land. When people do go on the property the Petryks want to be sure those people understand where they can go and where they should stay off. ATVs went through about 3 years ago and did considerable damage resulting in erosion problems today.

Mr. Albanese asked how they would police hunting. Mr. Petryk explained that part of this has to do with the area and its high concentration of people. There is State land to the south and west and Smith Pond Brook separates it physically on the north. Lakeview condo owners want no hunting on the property as it restricts access to the property by Lakeview residents. The Petryks are not anti-hunting, but in Wisconsin they have more wildlife because they maintain habitat. The animals won't stay on the property so the Petryks would not limit the sport, but may in fact help it.

Chris Monette, Lakeview resident and a hunter, asked how the property is going to be marked to prevent people from hunting on it? Mr. Petryk replied that historically the property has been posted, so that's no change.

Dwight Marchetti inquired last year about the amount of land in conservation in the Town of Enfield. He was told by the Assessing Office that it's 20%; a substantial amount of land. The Board has had a practice in the past that any property that's surplus should be sold and put back on the tax roles. He encouraged the Selectmen to stand fast. When property is put up for sale it should be sold to the highest bidder. He pointed out the great variance between the two highest bids. Mr. Marchetti does not feel the Town needs more property off the tax roles and suggested treating this property as the Board normally would. He pointed out ways the Conservation Commission could have acquired the land through voter approval of the purchase. Mr. Marchetti went on to say that as an avid hunter that has taught hunter safety courses, if a property is in the Current Use Program it couldn't be posted against hunting & fishing.

Tim Lenihan, Enfield Conservation Commission (ECC) Chairman, told the Board that they are not bound to take the highest bid. The Board informed Mr. Lenihan that the Board does indeed need to accept the highest bid, or reject all bids. Mr. Lenihan was also opposed to the award of the sale without all three members of the Board present. He expects there will be unhappy people whichever way it goes, but his only concern is the MWCC. The ECC discussed holding a public hearing about spending \$5,000 toward the purchase of this property by the MWCC. The hearing is scheduled for December 7th at the Public Works Facility. It was not the intent of the ECC to subvert others from buying land but to offer as much help as they could. The ECC wanted to offer an alternative to timber or development folks. Mr. Lenihan voiced his disapproval of the bid process and disagrees with the Town's attorney regarding the requirement to accept the highest bid or reject all bids. It was not the understanding of the ECC that the bid had to be awarded to the highest bidder. The Petryks confirmed that it was their understanding that it was going to the highest bidder. Mr. Lenihan suggested that there might be a lawsuit over this issue.

Lloyd Hackeman said that if a bid was going to be considered besides the highest bid, he would like his bid of \$2,300 to be considered as well.

Chris Hamlin, 3 Rocky Hill Way, Lakeview, feels the property should have belonged to Lakeview to begin with. The developer forgot to deed it to the Condo Association. Everyone at Lakeview has assumed all these years that the land was theirs. Mr. Hamlin supports awarding the property to the highest bidder, Rebecca & James Petryk.

Austin Flint lives at the south end of Mascoma Lake. He supports the preservation of Enfield land by its citizens rather than the Town or MWCC.

Neighbors to the Petryks are up on the property every day with their baby. They don't want to get shot at. They thought the land was supposed to belong to Lakeview. They support award of the property to the highest bidder.

Becky Powell's only concern is with the land in private ownership no one knows if it will remain in private ownership.

Mr. Petryk pointed out that both their bid and that of the MWCC are private bids. The MWCC is a private group. The MWCC has as much right to do what they want as the Petryks do. It will not be public land no matter who is awarded the bid.

Mr. Petryk went on to say that it's easy to say, "Trust me." He can only say that he and his wife have a history with property conservation. Development of the property is limited by topography. The only people with real access are Lakeview residents. The Town's exposure is minimal.

Nik Palmer, MWCC president, had a great meeting with Jim & Becky Petryk. The MWCC does not want to see the property go up for bid again. Mr. Palmer apologized. The MWCC has not tried to railroad anyone into doing anything. They don't want to invite everyone to use the property. They are big on research and encourage people to go out and document things. As a whole, everyone wants to keep land access to residents of Enfield. Keeping the property conserved from a cultural and ecological standpoint is important. He thanked the ECC for their time and financial support. Mr. Palmer stated that the MWCC would back the award of the bid to the Petryks rather than have the property re-bid.

An unidentified member of the audience spoke up about not seeing the ad in the paper for the sale of property. But the turnout at this meeting shows that a lot of people care. This show of support should be taken into consideration. The town has an obligation not only to keep the land on the tax roles, but also to have a responsible response to this issue.

Henry Cross asked if a lawsuit was threatened. Mr. Lenihan clarified that he thinks some people might be upset by the changing of the bid process half way through or at the end. All of the ECC members want to assist the MWCC; if the MWCC has expressed approval of the award to the Petryks, he will offer his approval as well.

Mr. Petryk stated they he and his wife want to work with the ECC and MWCC to develop a real plan for the property.

Nancy Smith expressed her continuing concern with what could happen in the future to this property.

Mr. Petryk stated that until the property is put into trust or is owned by the State or Town it is not protected. It's either publicly owned or privately owned.

Meredith Smith urged the Petryks to talk to the people at Upper Valley Land Trust. Mr. Petryk expressed his appreciation for Mrs. Smith's suggestion. He acknowledged that he and his wife are not aware of all the resources available to them.

Shirley Green asked if it isn't possible to put a conservation easement on property in perpetuity? Mr. Petryk replied that would be of great interest. Then if it were sold it would be locked up in the conservation easement.

Judy McNab, MWCC, understands this property is so encumbered with legal foolishness that it's impossible to put a conservation easement on it. The Petryks have her total support.

Dan Kiley feels the Selectmen should accept the high bid on all of the properties, except for the one bid that was received late. This was a fair bid and the Selectmen should accept all of the fair bids.

Evelyn Palmer has always been concerned with preserving Enfield artifacts and buildings. The Town has let too many things go. She expressed concern about the Shaker artifacts and aqueduct. No matter who is awarded the bid she hopes this is given attention.

Karen Hambleton, Enfield Shaker Museum and seasonal Enfield resident, stated that there are artifacts on the property. The Museum membership is in full support of the MWCC's aim to preserve the property. There is history up there. They would like to interpret the aqueduct. Enfield is very lucky to have this Shaker heritage.

Mr. & Mrs. Petryk had spoken with the Museum. They agree that the Shaker history is a valuable asset of the property. It would certainly be foolish to let that go away. They would like to work with the Museum. Mrs. Petryk said they might be able to get some free graduate student labor. Graduate students are always looking for projects for their thesis.

Kurt Gotthardt, MWCC vice president, thanked everyone for attending this meeting. MWCC is a 501 (c) 3 organization with IRS tax-exempt status. As such, MWCC is obligated to pay property taxes to the Town unless they ask annually for a charitable exemption. They pay property taxes on other properties owned by MWCC because they feel it's their obligation. They do take advantage of the Current Use program. The Current Use program allows an extra 20% savings if you allow recreational uses of the property. MWCC does this, but does not allow wheeled vehicles.

Mr. Gotthardt, regarding the 20% of conserved property in Enfield, asked what happens to the other 80%? He admits to being selfish; he likes to walk in the woods and he doesn't want to see a house.

Mr. Gotthardt also wondered what would happen if one of the town's wells goes down, what would the Town do? And then there are tourist dollars. Tourists don't want to see homes on the hillside. Mr. Gotthardt is disappointed the Town's attorney didn't pick up on this earlier. Mr. Albanese replied that the Town's attorney reviewed the documents before the bid started. He was also asked on Friday if the Selectmen could accept a bid other than the highest bid; his answer was no, the Board must accept the high bid or reject all bids on that property.

Mrs. Scovner pointed out that from the beginning she wanted the land for conservation.

Mrs. Scovner moved to accept James & Rebecca Petryk's bid of \$20,100; Mr. Albanese seconded, vote unanimous. Mrs. Scovner thanked the Petryks for their promise to conserve the Lakeview property.

The Selectmen took a short break from 6:25 PM until 6:29 PM

Sale of Property ~ Remaining Properties:

Mr. Albanese moved to accept Scott Thompson's bid of \$100 for Map 8 Lot 25; Mrs. Scovner seconded, vote unanimous.

Mrs. Scovner moved to accept Alan Streeter's bid of \$11,200 for Map 21 Lot 43; Mr. Albanese seconded, vote unanimous.

Mr. Albanese moved to accept Alan Streeter's bid of \$10,200 for Map 21 Lot 43; Mrs. Scovner seconded, vote unanimous.

Mrs. Scovner moved to accept Mark Huntley's bid of \$1,710 for Map 51 Lot 51; Mr. Albanese seconded, vote unanimous.

The Board did not consider a bid placed by Timothy Schreiner because it arrived beyond the November 14, 2006 deadline.

IX. OTHER ITEMS

Water/Sewer Charge Waiver:

Earl Brady, on behalf of the Enfield Methodist Church, request a waiver of the \$34/quarter base charge for water service to the vestry building that burned a year ago, until such time as the new building is up and water connected.

Mr. Albanese asked if this was the same thing that was requested at 78 Main Street for which EVA was denied.

Mr. Brady explained that they want to maintain the hookup, but don't want pay for the service they aren't using.

Mrs. Scovner was in favor of granting the waiver. Mr. Albanese expressed concern that this will set a precedent.

Mr. Albanese moved to waive the account base charge for the Methodist Church vestry that burned until it is rebuilt; Mrs. Scovner seconded, vote unanimous.

Mr. Albanese pointed out that there would be a reconnection fee.

Culvert ~ Dan Kiley Residence:

Mr. Albanese noticed that the State has done some ditching along Shaker Hill Road. He asked if the culvert could be replaced at Dan Kiley's residence. Mrs. Scovner moved to ask the State Department of Transportation to put a culvert in at Dan Kiley's residence due to ice build up and safety issues; Mr. Albanese seconded, vote unanimous.

CONFERENCE

I. ADJOURNMENT

Mrs. Scovner moved to adjourn at 7:42 PM; Mr. Albanese seconded, vote unanimous.

ATTACHMENT

(Text of email from Tim Lenihan, Conservation Commission Chairman.
Attached per vote of the Board of Selectmen, December 19, 2006)

I would like the minutes of the 11/20/06 meeting amended.

At no time did I specifically state:

”Tim Lenihan, Enfield Conservation Commission (ECC) Chairman, told the Board that they are not bound to take the highest bid”

While I maintain my objection to Attorney Mayer’s positions on this issue I did not offer my legal opinion to the town on this matter.

I also did not make the following statement:

Mr. Lenihan voiced his disapproval of the bid process and disagrees with the Town’s attorney regarding the requirement to accept the highest bid or reject all bids.

I did indicate that I disagreed with the Town Attorney that accepting the highest bid cures the appearance of impropriety caused by changing the bid terms after the bids were all in.

I also am assigned the following statement was made by other audience members and not myself.

There is a difference of just \$10,000 and the MWCC would allow hunting on the property.

Thank you,

Tim